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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,248	11/13/2003	George W. Hager II	16502	2457

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BUTZEL LONG  
DOCKETING DEPARTMENT  
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SUITE 200  
BLOOMFIELD HILLS, MI 48304

EXAMINER

PICO, ERIC E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,248	<b>Applicant(s)</b> HAGER, GEORGE W.	
	<b>Examiner</b> Eric Pico	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1-8, 10, 11, 13-16, and 18 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597.

3. **Regarding claim 1**, Hayrinen discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1 during a repair operation.

4. Hayrinen is silent concerning a guide clamp assembly connected to the beam and adapted to be received by an elevator guide rail system.

5. Darwent et al. teaches a guide clamp assembly 13 connected to a beam 21 and adapted to be received by an elevator guide rail system 25.

6. Darwent et al. further teaches the guide clamp assembly 13 having an actuating arm 87 adapted to be actuated by a downward movement of the elevator car 16, whereby when a central beam 21 is connected to the elevator actuation of the actuating

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arm 87 causes said guide clamp assembly 13 to grip the guide rail system 25, which facilitates immobilization and prevents normal operation of the elevator car 16.

7. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

8. **Regarding claim 2**, Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, connected to the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and a second end portion, shown in Figure 2 as the right end portion of the beam attached to the car frame, connected to the second end of the beam 12 shown in Figure 2 as the right end of the beam 12, the first end portion and the second end portion adapted to be connected to the elevator car 1.

9. **Regarding claim 4**, Hayrinen is further silent concerning a guide clamp assembly including a pair of guide clamps.

10. Darwent et al. further teaches the guide clamp assembly 13 including a pair of guide clamps 47.

11. Darwent et al. further teaches one of the guide clamps 47 being connected to the first end of the beam 21 and another guide clamp 47 being connected to the second end of the beam 21,

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12. Darwent et al. further teaches the guide clamps 47 adapted to be received by the elevator guide rail system 25, wherein one guide clamp 47 is actuated by the actuating arm 87 and another guide clamp 47 is actuated by another actuating arm 95 to cause the guide clamps 47 to grip the guide rail system 25.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a pair of guide clamps as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

14. **Regarding claim 5**, Hayrinen is further silent concerning a guide clamp assembly including a guide clamp linkage.

15. Darwent et al. further teaches a guide clamp assembly 13 includes a guide clamp linkage 89 linking one actuating arm 87 to another actuating arm 95 to provide a simultaneous actuation the guide clamps 47.

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks, provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

17. **Regarding claim 6**, Hayrinen is further silent concerning a guide clamp assembly including a safety cable.

18. Darwent et al. further teaches a guide clamp assembly 13 including a safety cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arm 87, 95 of each of the guide clamps 47.

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

20. **Regarding claim 7**, Hayrinen further discloses a pair of guide shoes 18 but is silent concerning the guide shoes apart of guide clamps.

21. Darwent et al. further teaches the guide clamps 47 including a pair of guide shoes 23 for engagement with the guide rail system 25.

22. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

23. **Regarding claim 8**, Hayrinen further discloses the central beam 12 including a pair of spaced apart channel sections (not numbered but shown in Figure 3) connected by a plurality of rigging members 17.

24. **Regarding claim 10**, Hayrinen further discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end, the beam 12 adapted to be releasably connected to an elevator car 1.

25. Hayrinen is silent concerning a pair of guide clamps with actuating arms.

26. Darwent et al. further teaches a pair of guide clamps 47, each of the guide clamps 47 being connected to an associated one of the first and second ends of a beam 21 and adapted to be received by an elevator guide rail system 25.

27. Darwent et al. further teaches each of said guide clamps 47 having an actuating arm 87 for actuation by a downward movement of the elevator car, whereby when the central beam 21 is connected to the elevator car 16 the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization and prevents normal operation of the elevator car 16.

28. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide guide clamps having actuating arms as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

29. **Regarding claim 11**, Hayrinen discloses a first end portion and said second end portion, shown in Figure 2, adapted to be connected to the elevator car 1.

30. Hayrinen is silent concerning a first and second end portion disposed between a first and second end of the beam and guide clamps.

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31. Darwent et al. further teaches a first end portion disposed between a first end of a beam 21, shown in Figure 5 as the left side of beam 21, and one of the guide clamps 47, and a second end portion disposed between said second end of the beam 21, shown in Figure 5 as the right side of beam 21, and another of said guide clamps 47,

32. Darwent et al. further teaches the first end portion and said second end portion adapted to be connected to the elevator car 16.

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose the first and second end portion of the beam disclosed by Hayrinen between the first and second end of the beam and guide clamps taught by Darwent et al. to facilitate the connection between the elevator car and the guide clamps.

34. **Regarding claim 13**, Hayrinen is further silent concerning a guide clamp linkage.

35. Darwent et al. further teaches a guide clamp linkage 89 linking the actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a guide clamp linkage as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks, provide the elevator car with a safety brake should the car over speed in the downward direction, and facilitate synchronized engagement of the guide clamps.

37. **Regarding claim 14**, Hayrinen is further silent concerning a safety cable.

38. Darwent et al. further teaches a safety cable 11 connected to the guide clamp linkage 89 for actuation of actuating arms.



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39. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly including a safety cable as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

40. **Regarding claim 15**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning the pair of guide shoes connected to guide clamps.

41. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

43. **Regarding claim 16**, Hayrinen further discloses a hydraulic elevator repair safety platform comprised of an elongate central beam 12 having a first end and a second end.

44. Hayrinen further discloses a first end portion, shown in Figure 2 as the left end portion of the beam attached to the car frame, disposed on the first end of the beam 12, shown in Figure 2 as the left end of the beam 12, and adapted to be connected to an elevator car; a second end portion, shown in Figure 2 as the right end portion of the

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beam attached to the car frame, disposed on the second end of said beam, shown in Figure 2 as the right end of the beam 12, and adapted to be releasably connected to the elevator car.

45. Hayrinen is further silent concerning a pair of guide clamps adapted to be received by an elevator guide rail system.

46. Darwent et al. further teaches a pair of guide clamps 47 adapted to be received by an elevator guide rail system 25, one of the guide clamps 47 connected to a first end portion and another of the guide clamps 47 connected to the second end portion.

47. Darwent et al. further teaches each of the guide clamps 47 having an actuating arm 87, 95, whereby when the central beam 21 is connected to the elevator car 16 the actuation of the actuating arm 87, 95 of each of the guide clamps 47 causes the guide clamps 47 to grip the guide rail system 25 which facilitates immobilization and prevents normal operation of the elevator car 16.

48. Darwent et al. further teaches a guide clamp linkage 89 linking said actuating arms 87, 95 to provide a simultaneous actuation of the actuating arms 87, 95.

49. Darwent et al. further teaches a cable 11 operatively connected to the guide clamp linkage 89 to cause actuation of the actuating arms 87, 95 in response to a downward movement of the elevator car.

50. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a guide clamp assembly as taught by Darwent et al. to the central beam of the hydraulic elevator disclosed by Hayrinen to immobilize the elevator car to

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prevent downward drifts due to hydraulic fluid leaks and provide the elevator car with a safety brake should the car over speed in the downward direction.

51. **Regarding claim 18**, Hayrinen further discloses a pair of guide shoes 18 to engage the elevator guide rail system 5 but is silent concerning guide shoes connected to guide clamps.

52. Darwent et al. further teaches a pair of guide shoes 23 connected to each of the guide clamps 47 to engage the elevator guide rail system 25.

53. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a pair of guide shoes disclosed by Hayrinen to the guide clamps taught by Darwent et al. to facilitate the guidance of the elevator and guide clamp assembly on the guide rail system.

54. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1 above, and further in view of Chapelain et al. U.S. Patent No. 5035300.

55. **Regarding claim 3**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

56. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1 for selectively varying a distance between said first and second end portions 3.

57. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al.

to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

58. **Regarding claim 17**, Hayrinen is further silent concerning an adjustably connected first and second end portion.

59. Chapelain et al. teaches a first end portion 3 adjustably connected to a first end of a beam 1 and a second end portion 3 is adjustably connected to a second end of said beam 1.

60. It would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

61. Claim(s) 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 as applied to claim 1 above, and further in view of Mizuno JP Publication No. 04-341478.

62. **Regarding claim 9**, Hayrinen discloses rigging members 17 attached to channel sections 27 but is silent concerning rigging members including U-bolts and retaining rod.

63. Mizuno teaches rigging members include U-bolts 14 attached to channel sections 5 and to retaining rods 13 extending between the channel sections 5.

64. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the channel sections disclosed by Hayrinen with U-bolts attached to

channel sections and to retaining rods extending between the channel sections to facilitate the connection between the channel sections of the beam.

***Response to Arguments***

65. Applicant's arguments filed 1/27/2006 have been fully considered but they are not persuasive.

66. Applicant argues that combination of Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 would not result in a functional apparatus because the whole method of operation of the arrester disclosed by Hayrinen must be changed.

67. Even if this assertion were true, it would not advance applicant's position that it is improper to combine Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 for purposes of a rejection under 35 U.S.C. 103(a). The test for obviousness is not whether the features of the secondary reference Darwent et al. U.S. Patent No. 3768597 may be bodily incorporated into the structure of the primary reference Hayrinen U.S. Patent No. 5411117, the test is what the combined teachings of Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 would have suggested to those of ordinary skill in the art. It is not necessary that the inventions of Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 be physically combinable to render obvious the invention under review. Combining the teachings of Hayrinen U.S. Patent No. 5411117 in view of Darwent et al.

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U.S. Patent No. 3768597 does not require the ability to combine their specific structures.

68. Furthermore, applicant's assertion that combination of the Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597 would not result in a functional apparatus because the whole method of operation of the arrester disclosed by Hayrinen must be changed is not true. The fact that the Darwent uses guide rail clamps would not preclude one of ordinary skill in the art from modifying the arrester disclosed by Hayrinen to accommodate the arrester disclosed by Hayrinen since all that would be required would be to substitute the arrester latches and stop blocks disclosed by Hayrinen with the guide rail clamps as taught by Darwent.

69. In response to applicant's argument that there is no suggestion to combine Hayrinen U.S. Patent No. 5411117 in view of Darwent et al. U.S. Patent No. 3768597, and further in view of Chapelain et al. U.S. Patent No. 5035300, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjustably connect first and second end portions taught by Chapelain et al. to the first and second end of the beam disclosed by Hayrinen to supply means to adapt to various elevator cars.

**Conclusion**

70. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Kathy Matecki*

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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